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**VIA ECF**

Hon. Victor Marrero  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Courtroom 18A  
New York, NY 10007-1312

**Re: *Nike Inc. v. By Kiy LLC et al.*, No. 1:23-cv-2431-VM-SLC (S.D.N.Y.)**

Dear Judge Marrero:

Plaintiff Nike, Inc. (“Nike”) is submitting its opposition memorandum to the Motion to Exclude the Expert Report and Testimony of Nike’s consumer survey expert, Dr. Isabella Cunningham [ECF No. 202]. Nike’s opposition memorandum contains excerpts of the depositions of Defendants By Kiy LLC and Nickwon Arvinger, as well as from the depositions of David Weeks and Brian Sica which counsel for Defendants designated as “HIGHLY CONFIDENTIAL” under the Protective Order [ECF No. 77]. Nike’s opposition memorandum also contains descriptions of an email communication produced by Defendants designated as “CONFIDENTIAL” under the Protective Order [ECF 77]. Nike therefore moves that the opposition memorandum and associated Exhibits Nos. 1, 2, 3, 6, and 7 be sealed.

Respectfully submitted,

*Bridgette Gershoni*

Bridgette C. Gershoni  
ARNOLD & PORTER KAY SCHOLER LLP

**Request GRANTED.**

Plaintiff’s motion to seal the opposition memorandum and Exhibits Nos. 1, 2, 3, 6, and 7 at Dkt. No. 208 is hereby **GRANTED**, provided that redacted versions shall be filed on the public docket.

**SO ORDERED.**

14 March 2024

DATE

  
VICTOR MARRERO, U.S.D.J.